

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America
v.

ENRICO TORRES FOX

Date of Previous Judgment: 08/20/2002
(Use Date of Last Amended Judgment if Applicable)Case No: 3:00CR44-02USM No: 16512-058Tanzania C. Cannon-Eckerle

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 35Amended Offense Level: 33Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 240 to 240 monthsAmended Guideline Range: 240 to 240 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ **Other** Pursuant to USSG §5G1.1, the sentence imposed may not be less than the statutorily required minimum sentence. If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline sentence would have been the mandatory minimum. Therefore, Amendment 706 has no effect on the defendant's sentence.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment 08/20/2002 shall remain in effect.

IT IS SO ORDERED.Order Date: May 8, 2008

Effective _____
(if different from order)



Graham C. Mullen
United States District Judge

